

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STADIUM AUTHORITY OF THE STATE OF HAWAII

Proposed Amendments to Chapter 3-70
Hawaii Administrative Rules

1. Section 3-70-10, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"§3-70-10 Staffing and other charges. (a) The manager shall determine and furnish the staff necessary to operate the facility for an event. The cost of staffing, including but not limited to the cost of box office personnel, ushers, gate personnel, security personnel, electricity, clean-up, scoreboard operation, the public address announcer, and a licensed registered nurse on duty during the hours of an event, shall, subject to such limitations as determined by the manager and approved by the authority, be at the licensee's expense~~[7]~~. ~~[14]~~ In addition, the licensee shall reimburse the authority for all other expenditures made or incurred by the authority in connection with the event, plus an amount equal to ten per cent of the total of the foregoing costs and expenditures~~[7]~~, subject to such limitations as determined by the manager and approved by the authority." [Eff 6/12/81; am 9/17/82; am and comp 9/18/2006; am] (Auth: HRS §109-2) (Imp: HRS §109-2)

2. Section 3-70-11, Hawaii Administrative Rules, is amended to read as follows:

"§3-70-11 Rental charges, payment. (a) The authority establishes the following schedule of charges for the use of the stadium proper for each event or date:

- (1) Hawaii high school and lower grade level events or activities - No rent shall be charged for school related events or activities;

- (2) University of Hawaii intercollegiate regular season football - the stadium authority shall have discretion to determine rent, provided, however, that the amount shall not exceed seven and one-half per cent of ticket receipts or \$10,000 per date, whichever is greater;
- (3) Other college events where no admission charge is imposed, excluding professionally promoted college football games - \$500 per date;
- (4) Professional and college football games professionally promoted by any person, partnership, corporation, or organization for profit - \$10,000 per date, or ten per cent of ticket receipts per date, whichever is greater;
- (5) Post-season intercollegiate and collegiate all-star football games sponsored by any person, partnership, corporation, or organization of non-profit status - ten per cent of ticket receipts or \$10,000 per date, whichever is greater, but not to exceed \$32,000 per date or such greater amount as may be determined by the authority. This amount shall not include reimbursement for out-of-pocket costs that may be imposed by section 3-70-10 nor any charge that may be imposed by the provisions as set forth in section 3-70-13.
- (6) Other [~~profit-making or fund-raising~~] sports events or other collegiate events where admission is charged and is not otherwise specified in these rules - \$2,000 per date or ten per cent of ticket receipts per date, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
- (7) Concerts, rallies, conventions - \$2,000 per date or ten per cent of ticket receipts per date, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
- (8) Receptions, parties - \$~~500~~750 per date or ten per cent of ticket receipts, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
- (9) For purposes of filming or recording a commercial, [~~band practices,~~] and other activities involving short-term use of the stadium during the normal working hours of 7:30 a.m. through 3:30 p.m., Monday through Friday, excluding holidays - \$~~100~~200 per hour, but not more than \$~~500~~1,000 per date. Out-of-pocket expenses including field lights and overtime personnel costs shall be [~~reimbursed to the authority~~]

~~whenever applicable]~~ charged to the licensee pursuant to section 3-70-10;

- (10) Notwithstanding paragraphs (6), (7), and (8), the rental charge for events sponsored by religious or charitable organizations for religious or charitable purposes where no admission is charged shall not exceed \$2,000 per date; and
- (11) All other events or activities - [\$500]750 per date or such greater amount as may be determined by the authority.

(b) The authority establishes the following schedule of charges for the use of the stadium parking lots:

- (1) For the use of the Kam lot for carnivals, fairs, and similar events - \$1,250 per date;
- (2) For purposes of filming or recording a commercial, ~~[band practices,]~~ and other activities involving short-term use of the parking lot area during the normal working hours of 7:30 a.m. through 3:30 p.m., Monday through Friday, excluding holidays - [\$100]200 per hour, but not more than \$[500]1,000 per date. Out-of-pocket expenses including parking lot lights and overtime personnel costs shall be ~~[reimbursed to the authority whenever applicable]~~ charged to the licensee pursuant to section 3-70-10; [and]
- (3) For concerts - \$2,500 per date or \$1 for each person attending the event per date as determined in the sole reasonable judgment of the manager or the manager's designee, whichever is greater;
- (4) For Hawaii high school and lower grade level events or activities - No rent shall be charged for school related events or activities; and
- ~~[(+3)]~~ (5) For all other events or activities - \$[500]750 per date or such greater amount as may be determined by the authority.

(c) The use of any office, or other space or facility on the stadium premises may be rented upon the terms and conditions, and at the rental rates as may be determined by the authority.

(d) The rates stated above are the basic or minimum rental rates for the use of the stadium. In addition, licensees shall pay for staffing and other out-of-pocket expenses and for any percentage charge imposed by section 3-70-10.

(e) Unless arrangements satisfactory to the authority are made for the payment thereof, the amount of all charges due the authority by a licensee for the use of the stadium shall be

deducted from the deposit and the gate receipts before any portion thereof is turned over to licensee.

(f) Whenever there is a change in the rates or charges prescribed by this chapter, the new rates or charges shall apply to any event held or use made on or after the effective date of the new rates or charges.

(g) The authority may, upon the recommendation of the stadium manager, waive rental charges in whole or in part for the National Football League Pro Bowl Game and any national and international sporting or entertainment event, or in connection with an event or activity that is sponsored by an agency of government and for which no admission charge is made.

(h) All moneys collected by the authority shall be deposited in the stadium special account in accordance with section 109-6, Hawaii Revised Statutes." [Eff 6/12/81; am 9/17/82; am 8/25/88; am 1/17/05; am 3/4/06; am and comp 9/18/06; am] (Auth: HRS §109-2) (Imp: HRS §109-2)

3. Section 3-70-14, Hawaii Administrative Rules, is amended by amending subsection (c) to read as follows:

"(c) The authority's food and beverage concessionaire shall have the ~~[exclusive]~~ right to sell souvenirs, novelties, and other similar products, and at the discretion of the stadium manager the authority may impose a percentage charge on all consideration received by the food and beverage concessionaire." [Eff 6/12/81; am 9/17/82; am 9/30/85; comp 9/18/06; am] (Auth: HRS §109-2) (Imp: HRS §109-2)

4. Section 3-70-19, Hawaii Administrative Rules, is amended to read as follows:

"§3-70-19 Complimentary admissions~~[; admission to the swap meet].~~ ~~[(a)]~~ The number of authorized complimentary admissions to be issued by a licensee to any event must be stated in the licensing agreement. Additional complimentary admissions to the event shall not be issued without the prior written approval of the manager.

~~[(b) Admission shall be charged to the swap meet in the amount of \$1 per person age 12 and above, provided, however,~~

~~that the authority may in its discretion waive the admission fee, in whole or in part, for up to fifteen days each year.]~~"

[Eff 6/12/81; am and comp 9/18/06; am]

(Auth: HRS §109-2) (Imp: HRS §109-2)

5. Section 3-70-20, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"§3-70-20 Parking rates, parking stalls. (a) Except as otherwise provided below, the authority establishes the following rates for the privilege of parking at the stadium for all events:

- (1) \$5 per event per automobile for all events and shows except as provided in this subsection;
- (2) ~~[\$15]~~25 per event per passenger bus, limousine, or truck, other than pickups, regardless of the number of persons carried in such bus, limousine, or truck; provided that the authority delegates to the manager the power to waive such parking charges at the manager's discretion for vehicles transporting groups of people attending an event where the athletes or performers at the event attend high school or lower grade levels, or where the vehicles are transporting groups of people from non-profit or charitable organizations;
- (3) ~~[\$2]~~3 per event per automobile for all events and shows when the athletes or performers attend high school or lower grade levels; ~~[and]~~
- (4) \$10 per event per automobile for professional sports events and concerts with admission charges, except for Hawaiian cultural and musical events;
- ~~[(+4)]~~ (5) The authority delegates to the manager the power to waive parking charges, at the manager's discretion, in connection with an event or activity where the estimated out-of-pocket expenses for parking exceed the estimated parking revenues; provided that the out-of-pocket parking expenses be at the licensee's expense; and
- (6) The swap meet events held at the stadium shall be exempted from this subsection." [Eff 6/12/81; am 9/17/82; am 8/27/84; am 9/1/87; am 8/12/02; comp 9/18/06; am] (Auth: HRS §109-2) (Imp: HRS §109-2)

6. Section 3-70-20.01, Hawaii Administrative Rules, is amended to read as follows:

"§3-70-20.01 Traffic, parking, and tailgate rules. (a)

No person shall operate any vehicle on the stadium premises:

- (1) At a speed in excess of twenty-five miles per hour;
- (2) In a careless or negligent manner or in such manner as to endanger or injure persons or property;
- (3) In a direction other than as indicated by signs erected and designated for one-way traffic movement unless otherwise directed by an authorized official; or
- (4) While under the influence of intoxicating liquor or narcotic drugs.

(b) Parking rules on the stadium premises:

- (1) Unless otherwise directed by the stadium parking personnel, no person shall park a vehicle in any of the following places:
 - (A) Wherever the curbings are painted red to indicate no parking;
 - (B) In marked pedestrian crosswalks and walkways;
 - (C) On roadways and locations where a parked vehicle may constitute an obstruction, or a traffic hazard;
 - (D) Places where official signs prohibit parking; and
 - (E) Areas designated by stadium management as restricted areas;
- (2) No person shall park a vehicle on the roadway or in any area of the parking lot in such a manner as to block other vehicles, or to restrict the free movement of the vehicular traffic unless otherwise directed by an authorized official;
- (3) Parking is on the "first come, first park" basis and reserving parking stalls, or spaces shall be prohibited unless written authorization is obtained from the manager. Each vehicle shall be parked wholly within a designated stall and shall not straddle or occupy space of an adjoining stall; ~~and~~
- (4) Vehicles parked in violation of this subsection may be towed off the premises at the expense of the vehicle owner or driver~~[-]~~; and
- (5) The following are prohibited:
 - (A) The use of pegs or stakes;

- (B) Recreational play (including, but not limited to ball playing, frisbee tossing, football tossing, bicycle riding, skateboarding, rollerblading);
- (C) Sponsorship or advertising banners or signs;
- (D) Animals, except service animals or as approved by the manager;
- (E) Concerts, public performances, contests, and live broadcasting without the prior approval of the manager;
- (F) Excessively loud music; and
- (G) Soliciting, hawking, selling, passing out literature handouts or giving away free items without the prior approval of the manager.

(c) Pre-game and post-game tailgate party rules in the stadium parking lot:

- ~~[(1) To alleviate potential fire hazards, a hibachi or other cooking device shall be kept a safe distance from any fuel tank;~~
- ~~(2) Lit hibachi or other cooking device shall not be left unattended;~~
- ~~(3) Hot coals and other burning residues shall be doused and completely extinguished before they are disposed;~~
- ~~(4) No person shall strew litter on the stadium premises; and~~
- ~~(5) Tailgate parties shall cease on or before the established curfew as designated by the manager, and thereupon all vehicles shall promptly vacate the stadium premises. Announcements of curfew shall be made on the public address system and the stadium electronic scoreboard.]~~

- (1) Cars, tables, chairs, barbecue pits, and tents must be confined to one stall. Groups may park contiguous to one another and share a tent or equipment traversing their vehicles and their stalls. However, there should be no empty stalls between their vehicles;
- (2) To alleviate potential fire hazards, a hibachi or other cooking device shall be kept a safe distance from any fuel tank;
- (3) Lit hibachi or other cooking device shall not be left unattended;
- (4) Hot coals and other burning residues shall be doused and completely extinguished before they are disposed;
- (5) No dumping of hot coals in the parking lot or in trash receptacles;
- (6) The owner should dispose of all tailgating material and refuse in a safe manner;

- (7) No tents and barbecues on the grassy (front lawn on the South end of the stadium) area and any pedestrian walkway; provided that the grass area between parking rows may be used for tailgating;
- (8) No alcohol capacity containers shall be permitted (kegs and party balls);
- (9) No person shall strew litter on the stadium premises; and
- (10) Tailgate parties shall cease on or before the established curfew (one hour after the end of the event) as designated by the manager, and thereupon all vehicles shall promptly vacate the stadium premises."
[Eff 9/17/82; am 8/27/84; am and comp 9/18/06; am
] (Auth: HRS §109-2) (Imp: HRS §109-2)

7. Section 3-70-23, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"§3-70-23 Miscellaneous provisions. (a) Except as permitted in writing by the manager, the following restrictions shall apply to all persons in the stadium proper:

- (1) No outside food or beverage shall be brought into the stadium proper;
- (2) No cat, dog, or other animal, except for a service animal, and no bicycle, motorcycle, or other vehicle shall be permitted into the stadium proper unless used in the exhibition conducted by the licensee and upon prior approval of the manager;
- (3) Demonstrations, sit-ins, and activities inconsistent with the purposes of an event shall be prohibited in the stadium;
- (4) Hand-held signs and banners are permissible in the stadium proper when they are safely constructed and displayed in such manner so as not to obstruct the view of spectators. Hand-held signs and banners are permissible in the red zone area directly in front of the stadium main box office, when they are safely constructed and displayed in such manner so as not to obstruct the ingress and egress of spectators, from the time the stadium parking lot is open to the public until thirty minutes after the scheduled starting time of the event. No signs or banner shall be affixed or secured in the stadium;

- (5) Throwing of any object or missile is prohibited; and
- (6) ~~[No can, bottle, cooler, fireworks, narcotic drug, air horn, or other disruptive noisemaker shall be permitted into the stadium proper.]~~ The following shall not be permitted into the stadium proper:
- (A) Weapons;
 - (B) Noisemakers (including air horns and whistles);
 - (C) Illegal drugs and any other illegal substances;
 - (D) Cans and bottles;
 - (E) Umbrellas;
 - (F) Coolers;
 - (G) Fireworks;
 - (H) Inflatable objects of any kind;
 - (I) Confetti;
 - (J) Balloons;
 - (K) Laser pointers;
 - (L) Poles and sticks;
 - (M) Skateboards, rollerblades, and bicycles; and
 - (N) Any item which may pose a health or safety issue to our guests and employees.

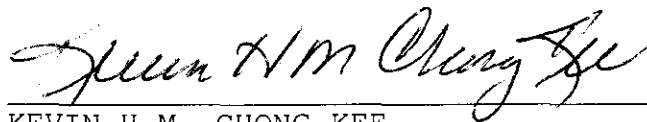
Individuals found in possession of the prohibited items will be asked to remove the item from the stadium or dispose of it.
Individuals that refuse to comply with the stadium's rules and policies may be ejected from the stadium without refund and may be banned from the premises for one year.
All bags, jackets, guests, and vehicles are subject to search upon entering the premise." [Eff 6/12/81; am 9/17/82; am 9/30/85; am and comp 9/18/06; am] (Auth: HRS §109-2) (Imp: HRS §109-2)

8. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

9. Additions to update source notes to reflect these amendments are not underscored.

10. These amendments to chapter 3-70, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules,
drafted in the Ramseyer format pursuant to the requirements of
section 91-4.1, Hawaii Revised Statutes, which were proposed to
the Stadium Authority on August 13, 2009.

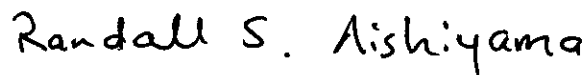


KEVIN H.M. CHONG KEE
Chairperson
Stadium Authority



RUSS K. SAITO
State Comptroller

APPROVED AS TO FORM:



Deputy Attorney General